

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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PERCIVAL VALENTINE,

Plaintiff,

v.

9: 05-CV-0232  
(GLS)(RFT)

D.B. DREW, Warden and KATHY SNYDER,  
Law Library Coordinator,

Defendants.

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APPEARANCES:

PERCIVAL VALENTINE

Plaintiff, *pro se*

55317-053

FCI - Raybrook

P.O. Box 9003

Raybrook, New York 12977

GARY L. SHARPE, District Judge

**ORDER**

Presently before the Court for review is an amended complaint filed by plaintiff Percival Valentine ("Valentine"). Dkt. No. 4. The amended complaint was submitted by Valentine in compliance with the Order of this Court filed on April 8, 2005. See Dkt. No. 3 ("April Order"). Plaintiff was also directed to file a signed inmate authorization form. *Id.* Plaintiff has now submitted the required form. Dkt. No. 7. Plaintiff has also submitted a renewed *in forma pauperis* application. Dkt. No. 6.

In his amended complaint, plaintiff alleges, *inter alia*, that beginning in February 2004, while plaintiff was incarcerated at FCI Raybrook, defendants denied plaintiff access to the courts by refusing to make available to plaintiff state legal materials. Dkt. No. 4. The amended complaint filed by Valentine substantially cures the defects that existed in his prior complaint. Moreover, since plaintiff has now submitted a signed inmate

authorization form in this matter (see Dkt. No. 7), the Court grants Valentine's *in forma pauperis* application.

WHEREFORE, it is hereby

ORDERED, that Valentine's *in forma pauperis* application (Dkt. Nos. 2 and 6) is granted.<sup>1</sup> The Clerk shall complete waiver of service of process forms for each defendant and provide same to the United States Marshal, who shall serve such form, together with a copy of plaintiff's amended complaint, on each of the individual defendants named herein. The Clerk shall also issue summonses and forward them, along with copies of the complaint, to the United States Marshal, for service on both the United States Attorney for the Northern District of New York ("U.S. Attorney's Office") and the Attorney General of the United States in Washington, D.C. The Clerk shall also forward a copy of this Order to the U.S. Attorney's Office, and it is further

ORDERED, that the Clerk provide the Warden of the facility, designated by plaintiff as his current location, with a copy of plaintiff's authorization form, and notify such official that this action has been filed and that plaintiff is required to pay the entire statutory filing fee of \$250.00 pursuant to 28 U.S.C. § 1915, and it is further

ORDERED, that the Clerk provide a copy of plaintiff's authorization form to the Financial Deputy of the Clerk's Office, and it is further

ORDERED, that a response to plaintiff's complaint be filed by the defendants or their counsel as provided for in Rule 12 of the Federal Rules of Civil Procedure, and it is

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<sup>1</sup> Valentine should note that even though his request has been granted, he is still required to pay other fees that he may incur in the future including copying and/or witness fees.

further

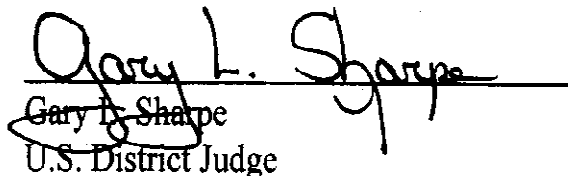
ORDERED, that all pleadings, motions and other documents relating to this action be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367.

**Any paper sent by a party to the Court or the Clerk must be accompanied by a certificate showing that a true copy of it was mailed to all opposing parties or their counsel. Any document received by the Clerk or the Court which does not include a certificate of service showing that a copy was served upon all opposing parties or their attorneys will be returned, without processing.** Plaintiff must comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. All parties must comply with Local Rule 7.1 of the Northern District of New York in filing motions, which must be returnable before the assigned Magistrate Judge with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office and all parties or their counsel of any change in plaintiff's address; his failure to do this will result in the dismissal of this action.** All motions will be decided on submitted papers without oral argument unless otherwise ordered by the Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the plaintiff by regular mail.

IT IS SO ORDERED.

Dated: June 15, 2005  
Albany, New York

  
Gary L. Sharpe  
U.S. District Judge